

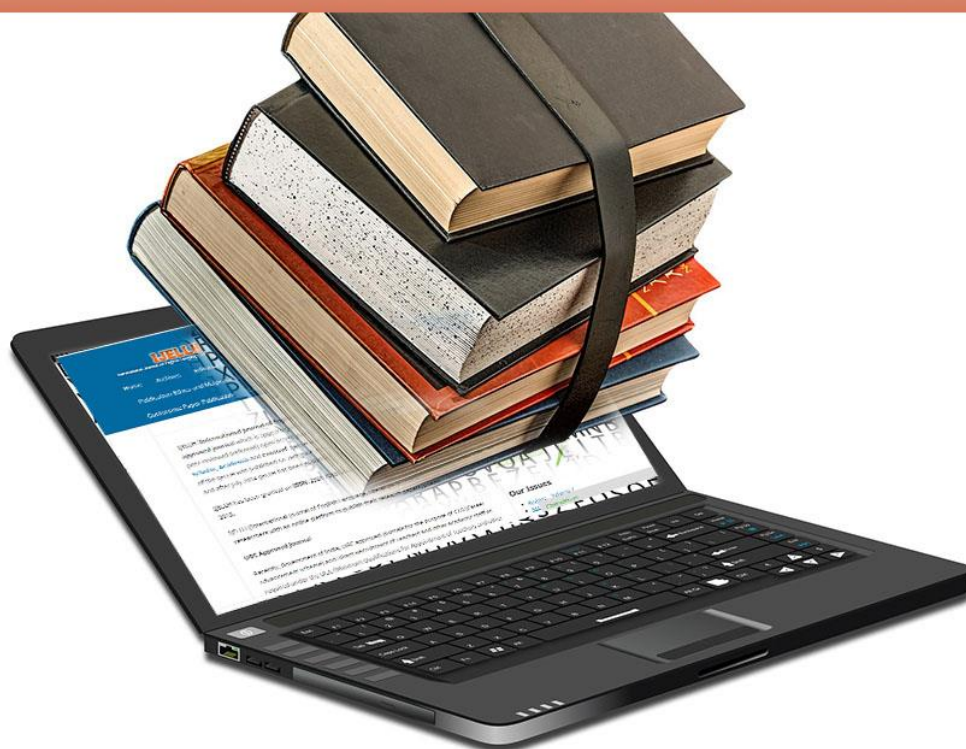
ISSN INTERNATIONAL
STANDARD
SERIAL
NUMBER

ISSN-2321-7065

IJELLH

International Journal of English Language, Literature in Humanities

Indexed, Peer Reviewed (Refereed), UGC Approved Journal



Volume 7, Issue 3, March 2019

www.ijellh.com

Rachitha Poornima Cabral

Assistant Professor, Department Of English,

School Of Social Work,

Roshni Nilaya, Mangalore, Karnataka, India

cabral.rachitha@gmail.com

Plagiarism and Intellectual Copy Rights

Abstract

Academic plagiarism is on the rise at colleges and universities. This paper is an attempt at understanding what plagiarism is all about. This is an effort at bringing in an awareness, sources of plagiarism and the ways to avoid it in research. The various forms of plagiarism and the negative outcomes of such intellectual theft are also discussed. The types of plagiarism, the causes and consequences of plagiarising works also form a part of this study. Intellectual copyrights and ways to safeguard them and the limits of copyright protection are also examined.

Keywords: plagiarism, intellectual copyrights, research, awareness, causes, consequences of plagiarism, safeguarding copyrights.

The word Plagiarism is taken from the Latin word Plagiarius, which refers to abducting, kidnapping, seducing or marauding. Fleming states that the term was first used by the Roman Poet Martial in the year 40-120 AD. He wanted to protect his literary creations and was the first person to use the word 'Plagiarius' to the person who had stolen his literary work and claimed it as his own. It is said that in 1601, Ben Johnson used the term plagiarism in his work 'The Poet Taster' which means a literary thief who takes another's words or ideas.

Mary Lynn Rampola states that plagiarism is the act of taking words, ideas, or research of another person and putting them forward without quotes as if they were their own. It is said to be an intellectual robbery and a clear infringement of the code of morals and behaviour.

There are various kinds of Plagiarism and they are all considered to be serious breaches of scholastic honesty. Direct Plagiarism is said to be, a word to word copy of a portion of somebody else's work without giving a credit to them and without a mention of quotation marks. This is not an accidental copying of someone else's work but a deliberate effort at claiming another person's work as one's own. This, in the academic field is considered as a serious offense and is unethical, immoral and can lead to eviction by the authorities.

The other kind of plagiarism is Self Plagiarism and this happens when a student combines parts of earlier works without taking the necessary consent from their mentors. For instance, a paper that you worked on in your college days cannot be submitted as a Ph. D term paper. It also applies to submitting the same work for different assignments without the approval of the professors. Mosaic Plagiarism takes place when a student borrows phrases from a source and does not use quotation marks or replaces synonyms for the author's use of words while retaining the same sentence structure and meaning of the original. This is also referred to as "Patch writing" and this kind of paraphrasing is a punishable offense. Accidental Plagiarism arises when a student overlooks and neglects the citation of sources or misquotes their sources or accidentally paraphrases a source and applies similar sentence structures, phrases and words without acknowledgement. Accidental plagiarism is also treated as a serious offense and is punishable; therefore, students must be careful in the citation of sources and give the necessary credit to the original authors.

It is important to understand the reasons as to why students resort to plagiarism. Students may fear taking risks and facing failure in their research work. Poor time-management skills could be another reason where anxiety and panic attacks could lead the students to resort

to plagiarism. The students may not understand the fact that plagiarism is a major offense. The assignments given to the students could be sometimes vague and unclear and they may resort to plagiarism for an easy way out. Appropriate penalties may not be undertaken by the authorities and they may sometimes overlook or fail to take up plagiarism issues seriously. The penalty of resorting to plagiarism are many- legally, personally, professionally and ethically. Once plagiarism is committed the person will be looked at suspiciously. Students, academic scholars, journalists, authors and professionals are all capable of resorting to plagiarism.

There are many consequences that one has to face if one resorts to plagiarism. A student can be suspended or expelled if caught plagiarising any content. Institutions, Colleges, Universities consider plagiarism to be a serious offense. Students are usually suspended for their first violation and later on expelled if caught again. A person's professional reputation can also be destroyed and his/her career can be completely shattered. One's scholastic career could also be ruined and this could affect the academic position and end with a ruined reputation. In some cases, plagiarism may also be deemed a criminal offense, possibly leading to imprisonment and punishment. If the Owner sues the plagiarist, he /she may have to pay monetary penalties. It is important for a Researcher or Writer to learn about plagiarism and avoid it at any cost.

There are many ways of avoiding plagiarism and it is necessary for us to follow certain steps to stay away from committing a crime. Paraphrasing is a very important step to take while writing any content. The best way to avoid plagiarism is to read the material and frame it in one's own words. Not more than two words should be copied verbatim and quotation marks need to be used where necessary. Citing is one of the effective ways to avoid plagiarism and guidelines must be followed while formatting according to the concerned institution in question. The name of the author, the date of publication, the source must all be taken into consideration. Quoting when done must be done exactly the way it is seen. "Block Quotes"

more than forty words or more is frowned upon and a true scholar must abstain from using the exact words of the author and try to simplify it and quote it in his/ her own style. In the case of web content citing usually involves the addition of a page number or a paragraph number. If a person is citing quotes, phrases or words and sentences that they have used earlier in their previous works then it is best that they refer to their quotes the same way they would treat other's works. The most efficient way to handle plagiarism is to include a reference page or page of works cited at the end of the research paper. The title, the source, date of publication must also be mentioned in particular in the reference section. Research papers must be checked with available plagiarism checker software such as Dupli checker, Grammarly, Paperrater, Plagtracker, Search engine reports, Plagium, Copyleaks, Plagscan and Unplugchecker.

Patents, Copyrights, trademarks and Industrial property rights are called as Intellectual copyrights. Copyrights focus on development of culture, and the protection of music, paintings, films, novels and computer programmes. The Copyright Law defines a copyright work as a "production in which thoughts or sentiments are expressed in a creative way and which falls within the literary, scientific, artistic or musical domain" copyright allows the owner to authorise or ban the usage of a copyright work to a person who wishes to utilise it. Only when the words "Reproduction for private use" is mentioned, it can be used freely and the copyright owner's permission needs to be granted. Public credit of copyrights and the extent of copyright fortification afforded are said to be indicators of a country's educational development. When copyrights are given their due in society and the copyright owners are given a fair remuneration this will lead to cultural development and in the conception of new creations.

The U.S. Copyright Office defines copyright as a set of elite rights rewarded to a copyright holder or owner for an original and creative work of authorship permanently set in concrete means of expression. It defines it as a limited statutory monopoly that gives a copyright holder the sole right to market a work for a limited period of time. Copyright also

includes exemptions that permit a user of the copyright-protected work the authority to exercise an exclusive right without authorization or royalty payment under certain conditions. Copyright includes literary and artistic works, such as musical works, Artistic works such as drawings, paintings, photographs, sculptures, novels, poems, plays, films and architectural designs. Rights that are connected to copyright include those of producers of phonograms, performing artists and those of radio broadcasters and television programme hosts.

When it comes to literature and copyrights it must be understood that the term “ literary works” is not restricted to academic works of literature alone, but also to include works articulated through writing, regardless of whether they have literary merit or not. Audiovisual works expressed in words, numbers, verbal or numerical symbols such as books, periodicals, manuscripts, film tapes, disks, cards, phone records, in which they are embodied are also included. The main objective of copyright law is to defend the time, endeavour, and ingenuity of the work's originator. As such, the Copyright Act gives the copyright owner certain special rights, together with the right to replicate the work, prepare "derivative works" (other works based on the original work), hand out copies of the work by trade, hire, or shifting of ownership, perform the work openly and display the work liberally.

The copyright proprietor has the right to grant authorisation to other individuals to do any of the rights mentioned above. The copyright owner has the choice and facility to transfer his or her exclusive rights or any subdivision of those rights to others as well. Copyright law safeguards the creator of the academic work in several ways. The proprietor of the exclusive rights of a literary work has the privilege to create and hand out copies and produce novel works. Altogether, the law not only provides the writer of the literary work the capacity to avoid others from making exact copies of the work, but it also gives him/her the right to prevent others from creating and exchanging works that are “considerably alike” to the copyrighted work. Though there is no ready-made yardstick as to what makes up a “substantially similar”

work, the basic trial to decide whether a work is “substantially similar” to another is to make out if a person observing the two works would believe the two works to be the same. This safeguards the creator of a literary work from another person by changing a few words here or there in a work and asserting it to be his/her own. If an individual independently fashions a literary work that is significantly comparable to a copyrighted work, then, that independently copyrighted work is not a violation and there is no way out. Copyright law only covers the particular form or manner in which information or ideas that are obvious and are recognized as a "form of material expression." The law does not cover the genuine ideas, perceptions, evidence, or methods enclosed in the copyright work. For instance, the Superman comic books are copyrighted, which means that they cannot be duplicated and circulated for sale without the approval from the copyright owner. The copyright also bans everybody else from creating similar works involving the protagonist, Superman, present in the comic books. However, the copyright does not forbid anyone from fashioning a work or character similar to Superman.

Things not enclosed by copyright law may be covered under other forms of intellectual property. For example: information, events, techniques, classification, and procedures are not roofed under copyrights, but they can be protected under the patent law.

Similarly, labels, names, slogans, signs and symbols cannot be copyrighted, but can be trademarked. Copyright Protection can be done by talking to an Attorney. If one's work has not been properly protected, one's copyrighted work could be easily lost or stolen. The best way to legally and quickly handle issues related to copyright is to involve a copyright lawyer. The lawyer can guide one through the process if one is sure that someone has illegally stolen their idea or plagiarised their words. Once copyright protection is done, the material is expected to be protected for a lifetime. If one is trying to fight infringement, there are a few likely outcomes. If it is verified that someone has dishonestly used one's work,

monetary compensation could be demanded and the infringed work would be destroyed.

Works Cited

Fleming, Michael, "*Academic Honesty and Avoiding Plagiarism: A Self Guided Tutorial.*"

Accessed December 5, 2018.

More, Trupti and Shelar Vandana, "*Plagiarism and Copyright Violation: A Need of Information Literacy Framework towards Ethical Use of Information.*" Accessed December 6, 2018.

<http://ir.inflibnet.ac.in/bitstream/handle/1944/1640/48.pdf>. 103. Vinod K.R.; Sandhya. S.; Sathish Kumar D.; Harani A.; David Banji and Otilia JF Banji, "Plagiarism- history, detection and Prevention." Accessed December 6, 2018.

[http://www.hygeiajournal.com/Downloads/Editorial/1597787464plagiarism .pdf](http://www.hygeiajournal.com/Downloads/Editorial/1597787464plagiarism.pdf). 104.

"Merriam-Webster Online Dictionary," Accessed December 7, 2018.

<http://www.merriam-webster.com/dictionary/plagiarism>. 105. "Dictionary.com." Accessed December 7, 2018.

<http://dictionary.reference.com/browse/plagiarism>. Accessed December 7, 2018.

Rampolla, Mary Lynn, *A Pocket Guide to Writing History*, 4th edition, New York: Boston, 2004, 70- 76.

American Association of University Professors (September/October, 1989). "Statement on Plagiarism." *Academe*, 75, 5, 47-48.

Joy, M. and Luck, M, "*Plagiarism in Programming assignments.*" *IEEE Transactions on Education*, 1999, 42, no.2, 129-133.

Colwin, F. and Lancaster, T. "*A review of electronic services for plagiarism detection in student submissions.*" Paper presented at 8th Annual Conference on the Teaching of Computing, Edinburgh, 2000.

Park, C. "*In Other (People's) Words: Plagiarism by University Students-Literature and Lessons.*" *Assessment and Evaluation in Higher Education.*, 2003, 28, no.5, 471-488.

Irving, R. W. "*Plagiarism and collusion detection using the smith waterman algorithm.*"

Glasgow, UK, 2004.

"*ORI Policy on Plagiarism*" ORI Newsletter, Vol.3, no.1, accessed December 7, 2018.

<http://ori.dhhs.gov/policies/plagiarism.shtml>.

"University of Queensland, Library, Australia," *accessed December 8, 2018,*

<https://www.library.uq.edu.au/how-to-guides/avoiding-plagiarism>.

"*What is Plagiarism?*" English Literary Society - Free Study Guides – Textbooks, accessed

December 8 2018.<http://www.eliterarysociety.com/what-is-plagiarism/>. 70

Lucas, S. E. *The art of public speaking*, 7th edition, New York: McGraw-Hill. 2001, 43-47.

"*The Plagiarism Spectrum: Tagging 10 Types of Unoriginal Work*," accessed December 8,

2018, http://pages.turnitin.com/plagiarism_spectrum.html

"*Common Forms of Plagiarism*", The University of New South Wales, Australia, accessed

December 8, 2018, <https://student.unsw.edu.au/common-forms-plagiarism>.

Palmquist, M., "*The bedford researcher*", 2003, accessed December 8, 2018

,www.bedfordresearcher.com/links/writing_resources.

Vij, R., Soni, N. and Makhdumi, G., "*Encouraging Academic Honesty through Anti-*

plagiarism Software", accessed December 9 2018,

<http://www.inflibnet.ac.in/caliber2009/CaliberPDF/55.pdf>.

"*What is Intellectual Property?*" accessed December 8, 2018, [http://www.wipo.int/about-](http://www.wipo.int/about-ip/en/index.html#ip)

[ip/en/index.html#ip](http://www.wipo.int/about-ip/en/index.html#ip).

"*Copyright*", accessed April 12, 2015, <http://www.wipo.int/copyright/en/>

"*Plagiarisms and Copyright Infringement: Is Copying Illegal?*",

<http://www.plagiarismchecker.com/plagiarism-vs-copyright.php>. accessed December 9, 2018.

- Pressman, Rebecca R., "*Fair Use: Law, Ethics and Librarians.*" Journal of Library Administration, 2008, 47 Issue 3/4, 89-110. 71
- Dames, K. Matthew. "*Understanding Plagiarism and How It Differs from Copyright Infringement*". Computers in Libraries. 2007, 27 Issue 6, 24-27. 126.
http://murrow.wsu.edu/overview/directory/forms/adjunct_faculty_handbook_final.doc. Accessed December 8, 2018
- "*An Easy Way to get a Ph.D. Degree from the Universities.....!*",
<http://www.taralabalu.org/Suta%20Samhita/plagiarism/>. Accessed December 8, 2018.
- More Trupti and Shelar Vandana, "*Plagiarism and Copyright Violation: A Need of Information Literacy Framework towards Ethical Use of Information.*"
<http://ir.inflibnet.ac.in/bitstream/handle/1944/1640/48.pdf>. Accessed December 8, 2018.
- Patel, B., accessed April 15, 2014, <http://indiankanoon.org/doc/946037/>. 28. "*Plagiarism Controversies in India.*" accessed December 8, 2018.
<http://wikibin.org/articles/plagiarism-controversies-in-india.html>.
- "*Plagiarism finger at IIM head*". The Telegraph (Calcutta, India). 4 March 2012. Accessed December 8, 2018.
http://www.telegraphindia.com/1120304/jsp/nation/story_15210111.jsp#.VvDo3W7hXiw. <http://en.writecheck.com/ways-to-avoid-plagiarism/>
http://shodhganga.inflibnet.ac.in/bitstream/10603/151904/11/11_chapter%203.pdf. Accessed December 8, 2018.